

REMARKS/ ARGUMENTS

Claims 1-16 are currently pending in the application. Claims 1-4 and 12-16 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 7,298,702 to Jones et al. in view of U.S. Patent Appl. Publ. No. 20020075844 to Hagen and U.S. Patent Appl. Publ. No. 20020133600 to Williams et al. Claims 9-11 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Jones, Hagen, Williams and U.S. Patent Appl. Publ. No. 2002/0114282 to McLampy et al. Claim 5 has been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Jones, Hagen, and Williams in further view of U.S. Patent Appl. Publ. No. 2002/0152319 to Amin et al. Claim 6 has been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Jones and Williams in further view of U.S. Patent Appl. Publ. No. 20060120282 to Carlson et al. Claims 7 and 8 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Jones, Williams, Carlson, and Amin.

To further prosecution of the instant application, Applicants have amended claims 1 and 12 to indicate that the "sessions" are "application layer sessions."

To support a rejection based on obviousness, the Examiner must, as the MPEP requires, articulate why a combination of references teaches or suggests all limitations of the claims. See MPEP §§ 2141, 2143. Furthermore, "rejections on obviousness cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." MPEP 2143.01, citing *KSR International Co. v. Teleflex Inc.*, 550 U.S. ___, ___, 82 USPQ2d 1385, 1396 (2007), quoting *In re Kahn*, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006). In addition, "[a]ll words in a claim must be considered in judging the patentability of that claim against the prior art." MPEP § 2143.03 (citing *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970)).

Proposed Jones-Hagen Williams Combination Fails to Disclose Claimed Subject Matter

The present invention is directed to transparently processing session initiation messages that correspond to application layer sessions to reserve bandwidth across the wireless link between a remote wireless client and an access element. The wireless network infrastructure detects and processes session initiation messages to determine QoS parameters for the wireless link, and forwards the session initiation message on to a session initiation protocol server for processing. With reference to claim 1, for example, it is in response to the session initiation message, that causes the central control element to “determine one or more Quality-of-Service (QoS) parameters, wherein one of the one or more QoS parameters is an allocation of wireless bandwidth resources of an access element,” and “to transmit the one or more QoS parameters to a first access element to which the first remote client element is associated.” The access element “reserve wireless bandwidth of the first access element for the application layer session according to the allocation of wireless bandwidth of the QoS parameter transmitted by the central control element.” In this manner, wireless resources can be reserved for the application layer session corresponding to the session initiation message without the wireless client having to explicitly reserve such resources.

The proposed Jones-Hagen-Williams combination does not disclose or suggest the subject matter of the claims. As the Examiner admits, Jones and Williams both fail to disclose transparent processing of session initiation messages for the identification of QoS parameters, and their application at an access element to reserve wireless bandwidth resources for wireless sessions corresponding to the session initiation messages. The Examiner now turns to Hagen as allegedly cure the admitted deficiencies of Jones and Williams; however, the Examiner's reliance on Hagen is misplaced.

The Examiner's response to Applicant's previously-filed communication adequately frames a portion of the instant dispute. The Examiner alleges that Hagen teaches processing of session initiation messages that correspond to application layer sessions for the identification of QoS parameters, and their application at an access element to reserve wireless bandwidth resources for wireless sessions corresponding to

the session initiation messages. See Office Action at 16-17. This allegation is incorrect.

Turning to the Examiner's specific allegations, Hagen at ¶ 0012 merely teaches that some form of bandwidth control is achieved for authorized users, but does not state that the controlled bandwidth relates to the link between the wireless client and the access point. Hagen at ¶¶ 0048 & 0049 merely teaches that a mobile terminal may establish a link to a wireless access point and that this wireless link may be encrypted or unencrypted. These links and sessions, however, are not "application layer sessions." Hagen at ¶ 0050 merely teaches that subscriber information (not a "session initiation message corresponding to an application layer session") is consulted to determine QoS levels. Hagen, however, contains no teaching that processes session initiation messages "corresponding to an application layer session" to identify one or more Quality of Service parameters, wherein one of the one or more QoS parameters is an allocation of wireless bandwidth resources of an access element." Rather, the messages that initiate identification of QoS parameters in the portions of Hagen cited by the Examiner are for establishment of link layer connections between the mobile terminals and the access points, not session initiation messages that correspond to application layer sessions.

The Examiner's reliance on Williams is also unavailing. Williams teaches a RSVP proxy mechanism a non-enabled mobile terminal can request a node (such as a GGSN) in the network to act as an RSVP proxy during a session. Despite the Examiner's allegation, however, Williams does not disclose a system that "associate[s] the one or more QoS parameters to the application layer session corresponding to the session initiation message." Rather, Williams, at paragraph [0041], merely discloses how a mobile terminal sends a SIP message to initiate a call, which is sent to an IP multimedia system. At paragraph [0043], Williams discusses QoS. In Williams, the mobile terminal itself must explicitly establish a PDP context with the GGSN and ask the GGSN to be an RSVP proxy. See Williams ¶¶ [0044], [0046]. For example, the mobile terminal specifies QoS in an "Activate PDP context request" transmitted to the GGSN. Williams ¶ [0048]; see also Williams ¶ [0049]. Further, in Williams, only after the PDP context and QoS has been

negotiated, does the mobile terminal transmit the SIP message. Williams ¶ [0051] (UE-A establishes PDP context, then sends SIP message). In addition, the QoS requirements associated with the SIP message are used by the GGSN to terminate the RSVP signalling and reserve QoS between the GGSN and the rest of the network path (not the wireless link between the wireless client and the access point). See Williams ¶¶ [0052] to [0058]. Accordingly, Williams actually teaches away from processing SIP messages to determine QoS parameters for a wireless link, because the QoS parameters have already been negotiated by the time that the SIP message is received.

Still further, the Examiner's allegations as to claim 6 also deserves mention, as Hagen merely discloses the control of bandwidth across a network and does not specifically teach the allocation of wireless bandwidth resources of a wireless access point.

Based on the foregoing, it is readily apparent that the proposed Jones-Hagen-Williams combination fails to teach all limitations of the claims. In addition, the Examiner fails to explain how the differences, highlighted above, between the proposed Jones-Hagen-Williams combination and the claimed subject matter would have been obvious to one skilled in the art, as the MPEP requires. A prima facie case of obviousness has, thus, not been established.

Insufficient Motivation or Suggestion to Combine/Modify

To support the proposed Jones-Hagen-Williams combination the Examiner alleges that one of ordinary skill in the art would have been motivated to incorporate the network system of Jones "and show processing the SIP to determine QoS and bandwidth, as taught by Hagen, in order to provide an optimal communication path." See Office Action at 4. This conclusory motivation, however, is insufficient to establish a prima facie case as the Office Action fails to articulate a sufficient rationale to create the claimed subject matter. Rather, the alleged motivation merely establishes that some QoS mechanism could be applied to the system of Jones. However, the alleged motivation does not establish that one would have been motivated to reserve wireless bandwidth resources of a wireless

access element for an application layer session associated with a session initiation message. In addition, as explained above, Hagen does not teach processing of session initiation messages that correspond to application layer sessions. Rather, Hagen teaches establishment of link layer connections and the determination of QoS. In addition, as discussed above, Williams primarily teaches the establishment of QoS (using RSVP, Intserv, or MPLS) across a routed network disposed between the end systems to the call session, and not on the reservation of wireless bandwidth resources for the connection between a wireless client and an access element. Furthermore, both Hagen and Williams fail to teach processing of SIP messages to determine the QoS parameters to be applied to the wireless link. Furthermore, as explained above, Williams actually teaches away from the claimed combination.

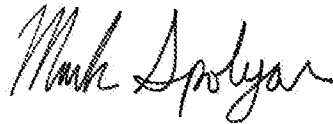
Lastly, dependent claims 2-11 and 13-16 directly or indirectly depend from claims 1 and 12 respectively and are therefore respectfully submitted to be patentable over the art of record for at least the reasons set forth above with respect to the independent claims. Further, these dependent claims recite additional limitations that when considered in the context of the claimed invention further patentably distinguish the art of record.

In light of the foregoing, Applicants believe that all currently pending claims are presently in condition for allowance. Applicants respectfully request a timely Notice of Allowance be issued in this case.

If a telephone conference would advance prosecution of this Application, the Examiner may call Mark J. Spolyar, Attorney for Applicant, at 650-739-7511.

The Commissioner is hereby authorized to charge any fee and credit any overpayment to Deposit Account No. 02-0384 of Baker Botts LLP.

Respectfully submitted,
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